

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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JOSEPH FUSCO	:	
	:	
Plaintiff	:	CIVIL ACTION NO.
	:	2:17-cv-0036-MSG
	:	
V.	:	
	:	
UBER TECHNOLOGIES, INC.,	:	
RASIER-PA, LLC, UISCE BEATHA, INC.	:	
d/b/a CAVANAUGH'S RESTAURANT and	:	
BAR and MAJOR C. FULLER	:	
Defendants	:	

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**MOTION OF DEFENDANTS, UBER TECHNOLOGIES, INC. AND RASIER-PA, LLC,  
TO DISMISS PLAINTIFF'S AMENDED COMPLAINT PURSUANT TO RULE 12(b)(6)  
AND ALTERNATIVE MOTION TO STRIKE PURSUANT TO RULE 12(F)**

Uber Technologies, Inc. ("Uber") and Rasier-PA, LLC ("Rasier"), as Defendants in this action, by and through their undersigned counsel, Goldberg Segalla LLP, hereby jointly move this Honorable Court to Dismiss Counts I, VI, VII, VIII, IX and X of Plaintiff's Amended Complaint in their entirety pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a valid cause of action upon which relief may be granted. To the extent, if any, Defendants' Motion is not granted, Defendants move to strike certain allegations set forth in the Amended Complaint pursuant to Federal Rule of Civil Procedure 12(f). In support, Defendants, Uber Technologies, Inc. and Rasier-PA, LLC, submit the accompanying Memorandum of Law with the following exhibits:

Exhibit A—Plaintiff's Amended Complaint

Exhibit B—Plaintiff's Complaint

Exhibit C—Memorandum Opinion dated July 27, 2018

Exhibit D—McKnight v. Uber, Joint Stipulation and Consolidation Order (docket no. 66)

Exhibit E—McKnight v. Uber, Stipulation of Partial Dismissal as to Plaintiff, Philliben, only (docket no. 122)

Exhibit F—McKnight v. Uber, Order relating action to L.A. Taxi case (docket no. 36)

Exhibit G—McKnight v. Uber, Consolidated Class Action Complaint (docket no. 67)

Exhibit H—McKnight v. Uber, Amended Stipulation of Settlement (docket no. 125)


Exhibit I—McKnight v. Uber, Order Granting Motion for Preliminary Approval of Amended Class Action Settlement (docket no. 136)

Exhibit J—McKnight v. Uber, Order Staying Further Consideration of Class Action Settlement (docket no. 178)

Exhibit K—Affidavit of Ricky Borges

Respectfully submitted,

**GOLDBERG SEGALLA LLP**

By:   
**Madeline S. Baio, Esquire**  
*Attorneys for Defendants,*  
*Uber Technologies, Inc. and Rasier-PA,*  
*LLC*

Dated: September 28, 2018